

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Civil No. 13-445 (DSD/JJK)

PLAINTIFF,

v.

**DEFAULT JUDGMENT AND
FINAL ORDER OF
FORFEITURE**

2001 MERCEDES BENZ S430, VIN
WDBNG70JX1A137217; et al.,

DEFENDANTS.

Based on the motion of the United States for an order granting default judgment against Oyetoyin Oseni Atobatele, Adekunle Kayode Ayeni, Idowa Ayinla Sadiq and all unknown persons and entities who have failed to file a verified claim and answer, and for a final order of forfeiture as to the defendant properties, and based on all the files and records in this action, and on this Court's findings that:

1. A verified Complaint for Forfeiture *In Rem* was filed on February 25, 2013, alleging that the defendant properties are subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981 (a)(1)(A) and (a)(1)(C).

2. A Warrant of Arrest and Notice *In Rem* was entered by the Clerk of Court on February 25, 2013, directing the United States Secret Service to arrest the defendant properties; to serve all known persons and entities having an interest in the defendant properties with a copy of the Complaint for Forfeiture *In Rem* and the Warrant of Arrest and Notice *In Rem*; and to give due notice to them to serve on the United States Attorney and file with the Clerk of Court a verified statement of interest in or right against the

defendant properties within 35 days from the date of service and an answer to the Complaint for Forfeiture within 21 days of the filing date of the verified statement;

3. The United States Secret Service arrested the defendant properties. The Notice of Judicial Proceeding, the Complaint for Forfeiture, and Warrant of Arrest and Notice *In Rem* were served by certified mail upon Oyetoyin Oseni Atobatele through his counsel of record in Crim. No. 9-341, Maury D. Beaulier, Esq., Adekunle Kayode Ayeni through his counsel of record in Crim. No. 9-341, Eric L. Newmark, Esq., and Idowa Ayinla Sadiq through his counsel of record in Crim. No. 9-341, John S. Hughes, Esq. in accordance with Supplemental Rule G(4)(b)(iii)(A-B). In addition, the United States attempted service of the above-described document on the individuals described above at their last known address.

4. The United States published a Notice of Civil Forfeiture on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 27, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Notice of Civil Forfeiture advised all unknown interested third parties of their right to petition the court within sixty (60) days of the first date of publication for a hearing to adjudicate the validity of their alleged legal interest in the defendant properties; and

5. No verified statement of interest in or right against the defendant properties or answer to the Complaint for Forfeiture has been filed with the Clerk of Court or served on the United States Attorney, and the time for filing a verified claim and answer provided by law has expired.

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The motion of the United States for a default judgment and final order of forfeiture (Docket No. 6) is GRANTED;

2. Default judgment is entered against Oyetoyin Oseni Atobatele, Adekunle Kayode Ayeni, Idowa Ayinla Sadiq and all unknown persons and entities having an interest in the defendant properties for failure to file a verified statement of interest in or right against the defendant properties and an answer to the Complaint for Forfeiture *In Rem* as required by 18 U.S.C. §§ 983(a)(4)(A) and (B), and Rule G(5) of the Supplemental Rules For Admiralty Or Maritime Claims And Asset Forfeiture Actions;

3. All right, title and interest in the following defendant properties are forfeited to and vested in the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (a)(1)(C):

- a. 2001 Mercedes Benz S430, VIN WDBNG70JX1A137217;
- b. \$1,050 In U.S. Currency;
- c. Gucci Mens 550 Series Watch;
- d. \$518 In United States Currency;
- e. \$1,570.00 in lieu of a 2005 Honda Accord, VIN 1HGCM56185A143862; and
- f. Eight Assorted Watches; and

4. The defendant properties shall be disposed of by the United States in accordance with law.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 7, 2013

s/David S. Doty
DAVID S. DOTY, Judge
United States District Court